

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 PEDRO GOMEZ,

No. C 08-2969 MMC

12 Plaintiff,

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION TO APPOINT EXPERT
MEDICAL WITNESS PURSUANT TO
RULE 706 AND TO MODIFY PRETRIAL
ORDER**

13 v.

14 DR. MERLE SOGGE, et al.,

15 Defendants.

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17 Before the Court is plaintiff Pedro Gomez's ("Gomez") "Motion to Appoint Expert
18 Medical Witness Pursuant to F.R.E. 706 and to Modify Pretrial Order," filed August 14,
19 2012, by which Gomez seeks (1) appointment of an expert medical witness pursuant to
20 Rule 706 of the Federal Rules of Evidence and (2) modification of the Pretrial Order to
21 reopen expert discovery and continue the currently scheduled trial date. Defendants have
22 filed opposition, to which Gomez has replied. The matter came on regularly for hearing
23 August 24, 2012. Roger M. Hughes of Wendel, Rosen, Black & Dean LLP appeared on
24 behalf of Gomez. Scott J. Feudale and D. Robert Duncan of the State of California Office
25 of the Attorney General appeared on behalf of defendants. Having read and considered
26 the parties' respective written submissions, and for the reasons stated on the record at the
27 hearing, the Court rules as follows.

28 To the extent Gomez seeks appointment of an expert under Rule 706, the motion is

1 hereby DENIED for the reason that funds to retain an expert are available to Gomez
2 through this district's Federal Pro Bono Project.

3 To the extent Gomez seeks a continuance of the trial date to obtain an expert, the
4 Court finds good cause has been shown for the relief sought; accordingly, the motion is
5 hereby GRANTED and the September 24, 2012 trial date and September 11, 2012 pretrial
6 date are hereby VACATED.

7 In light of the above, and having conferred with the parties with respect thereto, the
8 Court hereby SETS the following revised pretrial schedule:

9 JURY TRIAL DATE: January 14, 2013 at 9:00 a.m.

10 PRETRIAL CONFERENCE DATE: December 18, 2012 at 10:00 a.m.

11 DESIGNATION OF EXPERTS:

12 Plaintiff: No later than October 1, 2012.

13 Defendant: Rebuttal no later than November 5, 2012.

14 EXPERT DISCOVERY CUTOFF: November 26, 2012.

15 **IT IS SO ORDERED.**

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17 Dated: August 27, 2012


MAXINE M. CHESNEY
United States District Judge

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